

3:15-cv-425-FDW
(3:12-cr-399-FDW-1)

VICTORIA FINNEY BREWTON,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.


ORDER

THIS MATTER is before the Court on Petitioner’s “Pro Se Motion to Response [sic]to Court Order,” (Doc. No. 4), which this Court construes as a motion for reconsideration of this Court’s Order dated October 5, 2015, dismissing as time-barred and as without merit Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence. (Doc. Nos. 2; 3). Petitioner contends in the motion for reconsideration, as she argued in her original motion to vacate, that she was sentenced as a career offender under U.S.S.G. § 4B1.2(a) and that she is, therefore, entitled to relief under Johnson v. United States, 135 S. Ct. 2551 (2015). However, as the Court stated in its prior order, Petitioner was not sentenced as a career offender under U.S.S.G. § 4B1.1. Thus, even assuming that the holding in Johnson applies to the language of U.S.S.G. § 4B1.2(a), Johnson does not apply to Petitioner.

IT IS THEREFORE ORDERED that:

(1) Petitioner's "Pro Se Motion to Response to Court Order," (Doc. No. 4), is **DENIED**.

Signed: October 29, 2015


Frank D. Whitney
Chief United States District Judge